

## **EXHIBIT 84**

Excerpt  
from Jan.  
11, 2022  
HB1313  
Hearing

1/11/2022

House Education Hearing - HB 1313

Audio Transcription

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">New Hampshire House of Representatives House Education Hearing Chairman Rick Ladd on HB1313 January 11, 2022</p> <hr/> <p style="text-align: center;">DIGITAL EVIDENCE GROUP 1730 M Street, NW, Suite 812 Washington, D.C. 20036 (202) 232-0646</p>	<p style="text-align: center;">Page 2</p> <p>1 VICE-CHAIR CORDELLI: I think we're about 2 ready to resume. And we will resume with House Bill 3 1313 relative to the rights to freedom from 4 discrimination in higher education. And the prime 5 sponsor is ready to go. And so we welcome the 6 testimony of Representative Ladd. 7 REPRESENTATIVE LADD: Thank you very much, 8 Mr. Chairman and members of the House Education 9 Committee. For the record, my name is Rick Ladd. I 10 come from Haverhill, New Hampshire, and I'm here today 11 to speak and introduce HB1313. 12 On June 25, 2021, Governor Sununu signed HB2 13 into law. New Hampshire became one of six to prohibit 14 instruction that certain individuals are inherently 15 superior to people of another age, sex, gender, 16 identity, sexual orientation, race, creed, color, and 17 other conditions so stated in the bill. The law 18 further states that an individual, by virtue of certain 19 identifying conditions, such as the color of one's 20 skin, is inherently racist, sexist, or oppressive, 21 whether consciously or unconsciously. The law does not 22 prohibit discussing, as a part of a larger course of 23 academic instruction, the historical existence of ideas 24 and subjects identified in this section. 25 HB 1313 adds public post-secondary</p>
<p style="text-align: center;">Page 3</p> <p>1 institutions to the definition of public employer that 2 was passed back in HB2, for the purpose of prohibiting 3 discrimination in higher education. Be it being a 4 public employee in grades K through 12 or an instructor 5 at the post-secondary levels, the law applies to all. 6 One should not convey to any individual that 7 his or her color, creed, or other defining 8 characteristics is inherently racist, sexist, or 9 oppressive, whether consciously or unconsciously. Any 10 instructor aligning and communicating one's own vision 11 of race relations, where the national narrative that 12 uses diversity and inclusion as its platform, is 13 unacceptable. It is the teacher's or the professor's 14 responsibility to carefully weigh words and actions and 15 thoughtfully engage in civil discussion. Public 16 employees should reflect that -- reflect the approved 17 curriculum of the institution and not personal belief. 18 The false national narrative that professes 19 that all states suffer from centuries of white 20 privilege, white supremacy, and systematic racism does 21 not reflect New Hampshire. Any instruction promoting 22 that racism is alive and well in New Hampshire does not 23 reflect post-secondary education in our state, nor does 24 it accurately portray our residents, particularly those 25 who have been here for generations, nor does it address</p>	<p style="text-align: center;">Page 4</p> <p>1 the fact that we have invested efforts to attract more 2 individuals and families to New Hampshire, increasing 3 diversity by nearly 75 percent in the decade. 4 In closing, we should not forget 5 Dr. Martin Luther King's famous speech and advice to 6 the nation. "I have a dream that my four little 7 children will one day live in a nation where they will 8 not be judged by the color of their skin, but by the 9 content of their character." As a parent and 10 grandparent, I ask that schools and post-secondary 11 institutions teach our young people to think but not 12 tell them what to think. Advocating CRT is 13 discriminatory and does not reflect New Hampshire's way 14 of life and certainly doesn't align Dr. King's vision. 15 It does the opposite by pitting people against each 16 other. 17 Thank you, Mr. Chair. 18 VICE-CHAIR CORDELLI: Thank you, 19 Representative. 20 Are there questions from the Committee? 21 Representative Porter? 22 REPRESENTATIVE PORTER: Thank you, Mr. Chair, 23 and thank you, Representative Ladd for taking my 24 question. 25 Can you tell me, do you believe in such a</p>

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<p style="text-align: right;">Page 5</p> <p>1 thing as inclusive bias?</p> <p>2 REPRESENTATIVE LADD: I think we have a law</p> <p>3 in place that we passed with HB2, and now I'm asking</p> <p>4 that that same law be put in place for the other end of</p> <p>5 education, post-secondary education.</p> <p>6 REPRESENTATIVE PORTER: But my question is,</p> <p>7 do you believe in -- that there's such a thing as</p> <p>8 implicit bias? Because implicit bias is not allowed</p> <p>9 under the under -- my understanding. The -- we have to</p> <p>10 deny that that exists. I want to know if you believe</p> <p>11 it exists.</p> <p>12 REPRESENTATIVE LADD: I don't deny that we</p> <p>13 have a history that has good, bad, ugly points</p> <p>14 throughout it. I agree 100 percent. As a teacher</p> <p>15 myself, I was teaching when I was in Alaska that in</p> <p>16 slavery, as done by the Russians when they came over to</p> <p>17 Alaska, was absolutely not acceptable and a portion of</p> <p>18 our history, which should be, you know, corrected, and</p> <p>19 it was.</p> <p>20 I also taught the Holocaust, and reading a</p> <p>21 book right now dealing with "The Tattooist of</p> <p>22 Auschwitz," which is a wonderful book that all should</p> <p>23 read. We have a history in this country that is</p> <p>24 developing and -- but I don't believe I should be</p> <p>25 tagged or you should be tagged or anybody in this room</p>	<p style="text-align: right;">Page 6</p> <p>1 be tagged with the idea that you are racist because of</p> <p>2 our past. Our past is our past.</p> <p>3 REPRESENTATIVE PORTER: May I have one more</p> <p>4 question, sir?</p> <p>5 REPRESENTATIVE LADD: We can learn from it.</p> <p>6 VICE-CHAIR CORDELLI: Yes.</p> <p>7 REPRESENTATIVE PORTER: The definition that</p> <p>8 I'm here from perception.org, "What does it mean to</p> <p>9 have an implicit bias? We have a bias when, rather</p> <p>10 than being neutral, we have a preference for or</p> <p>11 aversion to, a person or group of people. Thus, we use</p> <p>12 implicit bias to describe when we have attitudes toward</p> <p>13 people or associates stereotypes with them without our</p> <p>14 conscious knowledge." Do you believe that that exists?</p> <p>15 REPRESENTATIVE LADD: I think that as you</p> <p>16 grow and one acquires the wisdom through life, as I did</p> <p>17 when I moved to Alaska to a small community where I was</p> <p>18 in the minority. My younger daughter grew up learning</p> <p>19 how to speak Yup'ik. I didn't see one person different</p> <p>20 from another person. Yes, there are people you like</p> <p>21 and you don't like. That's in every society. However,</p> <p>22 I didn't see it in the way, in the format, in the</p> <p>23 direction you're going.</p> <p>24 REPRESENTATIVE PORTER: Then you're a better</p> <p>25 person than I am, Representative Ladd.</p>
<p style="text-align: right;">Page 7</p> <p>1 REPRESENTATIVE LADD: Well, thank you for the</p> <p>2 compliment.</p> <p>3 VICE-CHAIR CORDELLI: Thank you. Other</p> <p>4 questions from the Committee for Representative Ladd?</p> <p>5 Seeing none -- oh, I'm sorry. Sorry I missed</p> <p>6 you. Please proceed, Representative.</p> <p>7 UNIDENTIFIED REPRESENTATIVE: Thank you, Mr.</p> <p>8 Chair, and thank you, Representative, for taking my</p> <p>9 question.</p> <p>10 Would it be allowed in an elementary school</p> <p>11 to illustrate what discrimination is by, for example,</p> <p>12 allowing children with only brown eyes to line up first</p> <p>13 for lunch or to get drinks at the water fountain for</p> <p>14 lunch as opposed to the blue-eyed children, and then</p> <p>15 the next day reverse it and allow the blue-eyed</p> <p>16 children as opposed to the brown-eyed children?</p> <p>17 REPRESENTATIVE LADD: I've seen that occur in</p> <p>18 schools and with younger children, and that has a</p> <p>19 reverse effect, as well. And that will oftentimes pit</p> <p>20 children against children who don't really understand.</p> <p>21 And I think that that's something I wouldn't do. I</p> <p>22 wouldn't line a lot of kids up and say, "Okay, John and</p> <p>23 Susan, you pick the kids in your team, and the person</p> <p>24 standing there last is the one that's always hurt."</p> <p>25 That's not correct.</p>	<p style="text-align: right;">Page 8</p> <p>1 I also believe that when we say that we're</p> <p>2 going to separate based upon a physical characteristic,</p> <p>3 and, who knows, that young child may go home saying, "I</p> <p>4 don't have blue eyes, and I'm not the same as that</p> <p>5 person that has brown eyes." I don't think young kids</p> <p>6 see that difference. I don't think young kids know</p> <p>7 that when they come to school. We teach them these</p> <p>8 discriminatory actions by some of our actions.</p> <p>9 We should be teaching in our schools what's</p> <p>10 happened in our past, which is negative, I agree. But</p> <p>11 I don't think we should be doing an activity such as</p> <p>12 that and giving them that experience so they take home</p> <p>13 the wrong message and they start believing the wrong</p> <p>14 message. I think there's other ways to teach what</p> <p>15 you're trying to teach and what you're trying to do</p> <p>16 through that activity.</p> <p>17 VICE-CHAIR CORDELLI: Representative Mullen?</p> <p>18 REPRESENTATIVE MULLEN: Thank you,</p> <p>19 Representative Cordelli, and thank you, Representative</p> <p>20 Ladd, for taking the question.</p> <p>21 So post-secondary students are college</p> <p>22 students. Is -- am I correct in assuming that that's</p> <p>23 what the term means in this bill, Representative Ladd?</p> <p>24 REPRESENTATIVE LADD: Yes, that means that</p> <p>25 they're -- the pupils are K through 12, and that those</p>

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<p style="text-align: right;">Page 9</p> <p>1 students on the other side of this --</p> <p>2 MS. CULLEN: Yeah.</p> <p>3 REPRESENTATIVE LADD: -- are graduated from</p> <p>4 high school --</p> <p>5 MS. CULLEN: Okay. So they're --</p> <p>6 REPRESENTATIVE LADD: -- and on to the next</p> <p>7 level --</p> <p>8 REPRESENTATIVE MULLEN: -- beyond K through</p> <p>9 12.</p> <p>10 REPRESENTATIVE LADD: Yes.</p> <p>11 REPRESENTATIVE MULLEN: So in this bill, it</p> <p>12 says that, "No pupil in elementary or second and no</p> <p>13 post-secondary educational student shall be taught,</p> <p>14 instructed, inculcated, or compelled to express a</p> <p>15 belief in or support for any one of the following" --</p> <p>16 and then I don't have the list in front of me. But I</p> <p>17 mean, we basically know that it's the sort of divisive</p> <p>18 concepts language that follows at this point, correct?</p> <p>19 REPRESENTATIVE LADD: Everything that's in</p> <p>20 the highlighted dark area is new. Everything that is</p> <p>21 in the non-bold font is what is in law right now.</p> <p>22 REPRESENTATIVE MULLEN: Okay. So could I</p> <p>23 have a follow-up, Representative Cordelli? Thank you.</p> <p>24 So by adding this to the statute, by adding</p> <p>25 post-secondary to the statute, are we saying then that</p>	<p style="text-align: right;">Page 10</p> <p>1 colleges -- in college classes, people can't discuss</p> <p>2 critical race theory?</p> <p>3 REPRESENTATIVE LADD: No, we're not saying</p> <p>4 that. We're not saying that you can't be teaching</p> <p>5 issues that are in our past that have dealt with race.</p> <p>6 You can teach, but you're not going to advocate it as</p> <p>7 your personal belief.</p> <p>8 REPRESENTATIVE MULLEN: One more follow-up?</p> <p>9 VICE-CHAIR CORDELLI: Yes.</p> <p>10 REPRESENTATIVE MULLEN: And I promise I'll</p> <p>11 get off of this.</p> <p>12 VICE-CHAIR CORDELLI: Got the promise.</p> <p>13 REPRESENTATIVE MULLEN: I'll -- I wouldn't</p> <p>14 have given it, Representative, if I didn't mean it.</p> <p>15 So I guess I'm having a hard time with the</p> <p>16 nebulousness of the word "instructed" or "taught at the</p> <p>17 post-secondary level" because it would seem to me that</p> <p>18 we would not -- we would want adults to be able to talk</p> <p>19 about anything in an instructional situation. We would</p> <p>20 want them to use critical thinking to draw their own</p> <p>21 conclusions at the post-secondary level. And so I'm</p> <p>22 wondering how this cannot be a violation of someone's</p> <p>23 freedom of speech.</p> <p>24 REPRESENTATIVE LADD: We have to look at the</p> <p>25 rest of that law that was passed last year, which you</p>
<p style="text-align: right;">Page 11</p> <p>1 don't see here.</p> <p>2 MS. CULLEN: Mm-hmm.</p> <p>3 REPRESENTATIVE LADD: And when it talks about</p> <p>4 "any one or more of the following", and then you go</p> <p>5 down and you'll see the areas which this bill talks to,</p> <p>6 which I spoke to at the beginning of my presentation.</p> <p>7 Those are the issues which we're directing this bill,</p> <p>8 this post-secondary education instruction towards.</p> <p>9 REPRESENTATIVE MULLEN: But my question to</p> <p>10 you -- and it's the same question, Representative</p> <p>11 Cordelli, it's not a new one. My question to you is:</p> <p>12 Why would we want to prohibit adults from talking about</p> <p>13 anything in their post-secondary education that they</p> <p>14 have paid for and are capable of formulating their own</p> <p>15 opinions? I mean, we're talking college students. Why</p> <p>16 would we want to do that? Would that not be considered</p> <p>17 curtailing the freedom of speech?</p> <p>18 REPRESENTATIVE LADD: I would just love to be</p> <p>19 -- have the opportunity to attend and join some of</p> <p>20 these classrooms where I have been told by college</p> <p>21 students you echo back exactly what you want to that --</p> <p>22 what that professor wants and you'll get your A; you</p> <p>23 show a divergent way of thinking, and hang it up. I</p> <p>24 think that we got to be very careful that we don't</p> <p>25 narrow down the -- where we're going with our</p>	<p style="text-align: right;">Page 12</p> <p>1 instruction in a post-secondary level by coming across</p> <p>2 and saying, I as the instructor, am advocating this,</p> <p>3 I'm pushing this. I, as this young student, would be</p> <p>4 kind of like, well, I guess I know how I can get out of</p> <p>5 this class; I'll just echo what that individual's</p> <p>6 saying; if I go the other way, I know where I'm going</p> <p>7 to be.</p> <p>8 So I think that there's certain ways of</p> <p>9 communicating. We don't want to teach them what to</p> <p>10 think. We want to teach them how to think. And we</p> <p>11 ought to be able to respect perspectives from different</p> <p>12 directions.</p> <p>13 REPRESENTATIVE MULLEN: I'm not sure that you</p> <p>14 answered my question, Representative, but thank you for</p> <p>15 the attempt.</p> <p>16 REPRESENTATIVE LADD: You're welcome.</p> <p>17 VICE-CHAIR CORDELLI: Representative Tanner?</p> <p>18 REPRESENTATIVE TANNER: Thank you, Mr. Chair,</p> <p>19 and thank you, Representative Ladd, for taking the</p> <p>20 question.</p> <p>21 I think there has been nothing since I've</p> <p>22 been legislator that has caused more of my</p> <p>23 constituents, in particularly teacher friends of mine,</p> <p>24 to contact me and talk to me. And we've wrestled with</p> <p>25 this about this bill. And you're making it even --</p>

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<p style="text-align: right;">Page 13</p> <p>1 I -- in my opinion, even harder on teachers, and now  2 even college professors. And I'm wondering, because  3 you were an administrator and because you were a  4 teacher, given what we have here, how do you feel a  5 person in a classroom would be when some student in the  6 class asks a question that enters into this critical  7 race theory, divisive concept, nebulous cloud that  8 we're talking about? How would you counsel a teacher  9 as to how to handle that?</p> <p>10 REPRESENTATIVE LADD: You can respond to a  11 question. You don't have to say, "This is my way of  12 thinking" though. You can respond to a question. You  13 can have open dialogue. I don't object to that, and I  14 don't think that that a college professor should.  15 However, when you come out and you're advocating for  16 that or forming committees or groups to work on  17 subjects like this on this topic, you're advocating for  18 it, you're pushing it. And that's something we don't  19 want to push discrimination because that's exactly what  20 it is. It's ending up pitting individuals against  21 other individuals when we didn't need to go that  22 direction.  23 I believe our society is changing, and it's  24 changing for the better. We're all more aware, and  25 it's moving forward. This legislation or CRT or any of</p>	<p style="text-align: right;">Page 14</p> <p>1 these projects that have come out are just, I think,  2 tearing the fabric of this country apart. And I think  3 there are different opinions on the committee right now  4 on this topic. And you're welcome to have your own  5 opinion.  6 REPRESENTATIVE TANNER: Well --  7 REPRESENTATIVE LADD: And I respect that.  8 REPRESENTATIVE TANNER: Thank you for that.  9 I'm glad I have still free speech.  10 REPRESENTATIVE LADD: Yes, you do. We all  11 do.  12 VICE-CHAIR CORDELLI: Any other questions for  13 the representative?  14 Maybe, if I could ask, Representative, it's  15 my recollection that the existing statute currently has  16 a provision explicitly stating that subjects, as we've  17 been discussing, can be part of any academic  18 instruction that would, I think, or should satisfy any  19 teacher concerns? Am I correct in my recollection of  20 that statute?  21 REPRESENTATIVE LADD: That is in law, and you  22 are correct, Representative Cordelli.  23 VICE-CHAIR CORDELLI: Thank you very much for  24 your testimony.  25 Oh, I'm sorry. Representative Ford?</p>
<p style="text-align: right;">Page 15</p> <p>1 REPRESENTATIVE FORD: Thank you, Mr. Chair.  2 Representative, one question that's puzzled  3 me throughout this entire discussion is that there  4 never seems be a definition of a theory; and that what  5 is often advanced in terms of a theory is advanced as  6 fact. And a theory is, as I've always been taught,  7 something that is not yet proved. And so I wonder  8 about if part of the issue here isn't that people who  9 are perhaps not as skillful in their teaching, but are  10 teaching the theory as though it's a fact, when in fact  11 it's nothing more than a speculation. The thing falls  12 on its face in terms of just rational and analysis.  13 REPRESENTATIVE LADD: I think that's well-  14 stated.  15 VICE-CHAIR CORDELLI: Thank you very much.  16 REPRESENTATIVE FORD: Thank you.  17 VICE-CHAIR CORDELLI: Seeing no further  18 questions, thank you very much, Representative.  19 REPRESENTATIVE LADD: Thank you.  20 (Excerpt ends)  21  22  23  24  25</p>	<p style="text-align: right;">Page 16</p> <p>1 C E R T I F I C A T I O N  2  3 I, Alicia Jarrett, do hereby certify that the  4 foregoing is a correct transcript from the electronic  5 sound recording provided for transcription and prepared  6 to the best of my professional skills and ability.  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24 ALICIA JARRETT, AAERT NO. 428 DATE: April 14, 2023  25</p>

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I, Alicia Jarrett, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.



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ALICIA JARRETT, AAERT NO. 428

DATE: April 14, 2023